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Hemant Madan

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EXAMINER

BLAIR, DOUGLAS B

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/531,534

Applicant(s)

MADAN ET AL. *MD*

Examiner

Douglas B Blair

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 and 5. 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 10-11, 15, 17 and 25 are objected to because of the following informalities: In claim 10 there is needs to be an article before data server thread in line 2. In claim 10 line 3 "has" should instead be "have". In claim 11, the word "to" should be removed from line 5. In claim 15, "and table" does not represent a complete idea and should be removed. In claim 17, "and" should be removed from line 1. In claim 25, "and" should be removed from line 1. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-19 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the real-time server. In the present form of claims 1-11, it is unclear where the method claimed is to be performed.
5. Claim 4 recites the limitation "the time real-time data value" in line 9 of the claim. There is insufficient antecedent basis for this limitation in the claim.

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6. Claims 12-13 recites the limitation "the prior real-time data values" in line 9 of claim 12 and lines 4-5 of claim 13. There is insufficient antecedent basis for this limitation in the claim.

7. Claims 14-16 recite the limitation "the real-time data server" in lines 1-2 of each claim. There is insufficient antecedent basis for this limitation in the claim.

8. Claims 17 and 25 recite the limitation "the values content provider" in line 4 of claim 17 and lines 3-4 of claim 25. There is insufficient antecedent basis for this limitation in the claim.

9. Claims 17 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the part of the source filter server module that updates the hash table as claimed in line 4 of each claim.

10. Claim 18 recites the limitation "the time data values" in line 6 of the claim. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 18 recites the limitation "the real-time data server" in line 6 of the claim. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 19 recites the limitation "the web engine server module" in lines 1-2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

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has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

14. Claims 1-2, 12, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,073,075 to Kondou et al..

15. As to claim 1, Kondou teaches a method of receiving information from a content provider and transmitting the information to a user terminal, comprising: receiving information from the content provider (col. 6, lines 62-67 and col. 7, lines 1-17); displaying at least a portion of the information on the user terminal (col. 7, lines 18-21); monitoring the information from the content provider to determine if any of the portion of the information being displayed on the user terminal has changed (col. 7, lines 1-67 and col. 8, lines 1-3); updating the information from the content provider that has changed (col. 7, lines 1-67 and col. 8, lines 1-3); and transmitting the information from the content provider that has changed to the user terminal (col. 7, lines 1-67 and col. 8, lines 1-3).

16. As to claim 2, Kondou teaches the method recited in claim 1, wherein the information comprises a plurality of real-time data values from the content provider (col. 7, lines 1-67 and col. 8, lines 1-3).

17. As to claim 12, Kondou teaches a computer program executable by computer and embodied on a computer readable medium for receiving a plurality of real-time data values from

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a content provider and transmitting the real-time data values to a user terminal, comprising: a user terminal code segment to receive real-time data values (col. 6, lines 62-67 and col. 7, lines 1-17); and a real-time data server code segment to receive real-time data values from a content provider, to determine if the real-time data values have changed from prior real-time and transmit the real-time data values to the user terminal when the real-time data values have changed from the prior real time data values (col. 7, lines 1-67 and col. 8, lines 1-3).

18. As to claim 20, it features the same limitations as claim 12 and is thus rejected on the same basis as claim 12.

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 3-4, 13, 15-17, 21, and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,073,075 to Kondou in view of U.S. Patent Number 6,292,743 to Pu et al..

21. As to claim 3, Kondou teaches the method of claim 2, wherein the updating of information from the content provider further comprises: accessing a hash table containing a plurality of prior real-time data values using a plurality of keys associated with the plurality of real-time data values (col. 12, lines 21-44); however Kondou does not explicitly teach updating the information server from the content servers when the real-time information has changed.

Pu teaches a method of determining whether the plurality of real-time data values received from content provider has changed from the prior plurality of real-time data values contained in a table and updating the prior plurality real-time data values contained in a table with a plurality of real-time values received from the content provider when the plurality of real-time data values received from content provider has changed from the plurality of prior real-time data values contained in the table (col. 7, lines 66-67 and col. 8, lines 1-7).

It would have been obvious to one of ordinary skill in the Computer Networking art to combine the teachings of Kondou regarding updating real-time data on a terminal with the teachings of Pu regarding updating an intermediate server with real-time information because updating at an intermediate server reduces the amount of client software necessary at the terminal (Pu, col. 2, lines 35-42).

22. As to claim 4, Kondou teaches a method wherein the transmitting of the plurality of real-time data values that have been updated in the hash table to the user terminal further comprises: activating a data thread when a real-time data value of the plurality of prior real-time data values is updated in the hash table (col. 7, lines 2-67 and col. 8, lines 1-3, Information server runs data thread to track the position of the user.); determining the position on a screen in the user terminal corresponding to the real-time data value (col. 5, lines 58-67 and col. 6, lines 1-11); transmitting the real-time data value to the user terminal (col. 15, lines 6-37); and displaying the real-time data value on the screen in the user terminal in the position indicated (col. 15, lines 6-37).

23. As to claim 13, Kondou teaches the computer program of claim 12, wherein the real-time data server further comprises: a hash table storing the prior real-time data values (col. 12, lines

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21-44); however, Kondou does not explicitly teach updating the information server from the content servers when the real-time information has changed.

Pu teaches being updating an intermediate server when the real-time data values from the content provider have changed from the prior real-time data values (col. 7, lines 66-67 and col. 8, lines 1-7).

It would have been obvious to one of ordinary skill in the Computer Networking art to combine the teachings of Kondou regarding updating real-time data on a terminal with the teachings of Pu regarding updating an intermediate server with real-time information because updating at an intermediate server reduces the amount of client software necessary at the terminal (Pu, col. 2, lines 35-42).

24. As to claim 15, Pu teaches a real-time data server comprising a source filter server module code segment to receive real-time data values from a content provider (col. 7, lines 66-67 and col. 8, lines 1-7) and determine if the real-time data values have changed from prior real-time data values stored, and activate a data thread code segment when the real-time data values have changed from prior real-time data values (col. 7, lines 66-67 and col. 8, lines 1-7).

25. As to claim 16, Pu teaches a real time data server module code segment to communicate between the user terminal code segment and the source filter server module code segment through the data server thread code segment (col. 7, lines 36-59).

26. As to claim 17, Pu teaches a source filter module comprising a code segment to receive the real-time data values from the content and something to update a table (col. 7, lines 66-67 and col. 8, lines 1-7).

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27. As to claims 21 and 23-25, these claims feature the same limitations as claims 13 and 15-17, respectively, and are thus rejected on the same basis as claims 13 and 15-17.

28. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,073,075 to Kondou et al. in view of U.S. Patent Number 6,292,743 to Pu et al. as applied to claim 4, in further view of U.S. Patent Number 6,442,565 to Tyra et al..

29. As to claim 5, the Kondou-Pu combination teaches the method recited in claim 4; however the Kondou-Pu combination does not explicitly teach the use of remote method invocation.

Tyra teaches a method for updating data using a data thread that is activated by using remote method invocation (col. 3, lines 50-67 and col. 4, lines 1-8).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Kondou-Pu regarding updating real-time data on a terminal with the teachings of Tyra regarding the use of remote method invocation because remote method invocation reduces the amount of data transmitted across the network (Tyra, col. 3, lines 30-41).

30. Claims 6-11, 14, 18-19, 22, and 26-27 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,073,075 to Kondou et al. in view of U.S. Patent Number 6,292,743 to Pu et al. as applied to claim 3, in further view of U.S. Patent Number 6,173,316 to De Boor et. al..

31. As to claim 6, Kondou teaches requesting a connection by the user terminal (col. 10, lines 41-48); spawning a data server thread (col. 7, lines 2-67 and col. 8, lines 1-3, Information server runs data thread to track the position of the user.); retrieving a user defined portfolio by the data

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thread containing a plurality of keys (col. 10, lines 41-48); and monitoring the plurality of keys contained in the user defined portfolio and identifying currently active keys of said of the plurality of keys (col. 5, lines 36-57); however Kondou does not teach the generation of HTML containing embedded applets.

Pu teaches the use of HTML for downloading information to a user terminal (col. 7, lines 36-59); however Pu does not teach the use of applets.

De Boor teaches generating activated HTML page containing an embedded applet and downloading to a user terminal (col. 4, lines 45-60).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of the Kondou-Pu combination regarding updating real-time data on a terminal with the teachings of De Boor regarding the use of HTML and applets because the use of markup languages in wireless devices allows seamless integration to the Internet (De Boor, col. 4, lines 61-67 and col. 5, lines 1-15).

32. As to claim 7, Kondou teaches a method comprising reading the currently active keys (col. 5, lines 36-57); determining if the currently active keys have changed (col. 7, lines 2-67 and col. 8, lines 1-3); updating the hash table with the real-time data values for currently active keys (col. 7, lines 2-67 and col. 8, lines 1-3); and downloading real-time values for the currently active keys that have changed from the hash table to the user terminal (col. 7, lines 2-67 and col. 8, lines 1-3).

33. As to claim 8, De Boor teaches disconnecting all connections to the user terminal when the shutdown request was made (col. 59, lines 23-34); however De Boor does not explicitly teach a method of determining whether a shutdown request was made.

Official notice is taken that the idea determining whether a shutdown request was made was well known in the Computer Networking art at the time of the invention.

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of De Boor regarding disconnecting connections with the determining whether a shutdown request was made because allowing a user to shutdown a device saves energy.

34. As to claim 9, Kondou teaches a method of retrieving the plurality of real-time data values on a periodic basis (col. 7, lines 18-21).

35. As to claim 10, Kondou teaches a method for notifying a data server thread when a real-time data value of the plurality of data has changed (col. 7, lines 2-67 and col. 8, lines 1-3).

36. As to claim 11, Kondou teaches a method informing the data server thread of a plurality of new active keys (col. 7, lines 2-67 and col. 8, lines 1-3); receiving the plurality of real-time data values from the data server thread (col. 7, lines 2-67 and col. 8, lines 1-3); and updating the screen on the user terminal associated with each time data value of the plurality of real-time data values (col. 15, lines 6-37).

De Boor teaches a method of activating an embedded applet received from a data server thread in the user terminal and determining whether a page change is required.

As to claim 14, Pu teaches a web engine server module code segment to access a database having a portfolio generated by a user and generate an HTML page, wherein upon receipt of a connection request from the user terminal the web engine server module code segment downloads the HTML page to the user terminal code segment (col. 7, lines 36-59); however Pu does not teach the use of an applet with HTML.

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De Boor teaches downloading an applet to use with HTML on a wireless terminal (col. 4, lines 45-60).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of the Kondou-Pu combination regarding updating real-time data on a terminal with the teachings of De Boor regarding the use of HTML and applets because the use of markup languages with applets in wireless devices allows seamless integration to the Internet (De Boor, col. 4, lines 61-67 and col. 5, lines 1-15).

37. As to claim 18, Pu teaches a terminal comprising a HTML page to display the user terminal code segment and an embedded applet code segment to update the user terminal code segment when the time data values are received from a server (col. 7, lines 36-59); however Pu does not teach the use of an applet or JavaScript with HTML.

De Boor teaches downloading an applet to use with HTML on a wireless terminal (col. 4, lines 45-60).; however; De Boor does not explicitly teach the use of JavaScript.

Official notice is taken that it was well known in the Computer Networking art to combine JavaScript code with HTML at the time of the invention.

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of the Kondou-Pu combination regarding updating real-time data on a terminal with the teachings of De Boor regarding the use of HTML and applets because the use of markup languages with applets in wireless devices allows seamless integration to the Internet (De Boor, col. 4, lines 61-67 and col. 5, lines 1-15).

38. As to claim 19, Pu teaches a web engine server module comprising: a web server module code segment to communicate to the user terminal code segment and retrieve a portfolio

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specified by the user terminal code segment from a database (col. 7, lines 66-67 and col. 8, lines 1-7); and a pagination engine module code segment, in communication with the web server module code segment, to create the HTML page segment based on the portfolio selected and the size of the screen on a user terminal (col. 7, lines 36-59); however Pu does not teach the use of an applet with HTML.

De Boor teaches downloading an applet to use with HTML on a wireless terminal (col. 4, lines 45-60).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of the Kondou-Pu combination regarding updating real-time data on a terminal with the teachings of De Boor regarding the use of HTML and applets because the use of markup languages with applets in wireless devices allows seamless integration to the Internet (De Boor, col. 4, lines 61-67 and col. 5, lines 1-15).

39. As to claim 22 and 26-27, they feature the same limitations to claims 14 and 18-19, respectively, and are thus rejected on the same basis as claims 14 and 18-19.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B Blair whose telephone number is 703-305-5267. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on 703-305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

Douglas Blair
January 7, 2003

DBB

MEHMET B. GECKIL
PRIMARY EXAMINER

Mehmet Geckil